



U.S. Citizenship
and Immigration
Services

CA

[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: 4/1/01

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

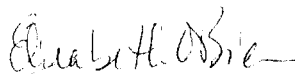
PETITION: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, California Service Center. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed.

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Citizenship and Immigration Services (CIS) policy. 8 C.F.R. § 103.5(a)(3). A motion to reopen must state the new facts to be provided and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

Counsel moves the AAO to reconsider its decision and to reopen the appeal based on new information. Counsel does not specify the new information but states that he would file a motion for reconsideration and to reopen before January 17, 2004.¹ However, as of the date of this decision, more than seven months after counsel's self-imposed deadline, no additional documentation has been received by the AAO. The regulations do not provide for the extension of time to supplement the record on motion, but require documentary evidence to be submitted with the motion. 8 C.F.R. § 103.5(a)(2).

As the petitioner failed to present new facts supported by documentary evidence in its motion to reopen, or to cite any precedent decisions in support of its motion to reconsider and does not argue that the previous decisions were based on an incorrect application of law or CIS policy, the petitioner's motion will be dismissed.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, the petitioner has not sustained that burden. 8 C.F.R. § 103.5(a)(4) states that "[a] motion that does not meet applicable requirements shall be dismissed." Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the director and the AAO will not be disturbed.

ORDER: The motion is dismissed.

¹ As counsel has filed a motion to reopen and to reconsider, we assume that counsel meant that he would file a supporting brief prior to January 17, 2004.